

Anne M. Bevington (SBN 111320)
Tino X. Do (SBN 221346)
Allan D. Shuldiner (SBN 252259)
SALTZMAN & JOHNSON LAW CORPORATION
1141 Harbor Bay Parkway, Suite 100
Alameda, CA 94502
Telephone: (510) 906-4710
Email: abevington@sjlawcorp.com
Email: tdo@sjlawcorp.com
Email: ashuldiner@sjlawcorp.com

Attorneys for Plaintiffs PENSION PLAN FOR PENSION
TRUST FUND FOR OPERATING ENGINEERS, et al.

Ronald W. Brown (SBN 107340)
Barbara A. Cotter (SBN 142590)
COOK BROWN, LLP
2407 J Street, Second Floor
Sacramento, CA 95816
Telephone: (916) 442-3100
Email: rbrown@cookbrown.com
Email: bcotter@cookbrown.com

Attorneys for Defendants GABE MENDEZ, INC., et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PENSION PLAN FOR PENSION TRUST FUND
FOR OPERATING ENGINEERS, et al.,

Plaintiffs,

v.

GABE MENDEZ, INC., a California corporation, et
al.,

Defendants.

Case No. 3:20-cv-06075-RS (TSH)

**JOINT STIPULATION TO REOPEN CASE
AND ENTER DISMISSAL WITH
PREJUDICE; ORDER THEREON**

1 Plaintiffs Pension Plan for Pension Trust Fund for Operating Engineers, et al. (“Plaintiffs” or
 2 “Pension Plan”) and Defendants Gabe Mendez, Inc. (“Gabe Mendez”), Mendez Construction, Inc.
 3 (“Mendez Construction”), Vina Castellano LLC (“Vina Castellano”), and Carolyn A. Mendez as Trustee
 4 of the Mendez Family Trust dated August 22, 1990 (“Carolyn A. Mendez”) (collectively,
 5 “Defendants”), by and through their respective counsel of record, hereby agree and stipulate to reopen
 6 the case and enter a voluntary dismissal of the entire action with prejudice.

7 On August 11, 2021, the Court ordered that the case be dismissed without prejudice following
 8 the parties’ notification that they had executed a confidential settlement for the resolution of the case.

9 The parties now request that the Court amend its Order of Dismissal without prejudice to dismiss
 10 the Action with prejudice, each party to bear its own attorneys’ fees and costs.

11 Respectfully submitted,

12 DATED: September 28, 2021

SALTZMAN & JOHNSON LAW CORPORATION

14 By: _____/S/
 15 Tino X. Do
 Attorneys for Plaintiffs

17 DATED: September 28, 2021

COOK BROWN, LLP

18 By: _____/S/
 19 Ronald W. Brown
 20 Barbara A. Cotter
 Attorneys for Defendants

ORDER

The parties having stipulated, and good cause appearing therefore, IT IS HEREBY ORDERED that this action be, and it hereby is, DISMISSED with prejudice, each party to bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: September 28, 2021



UNITED STATES DISTRICT JUDGE
RICHARD SEEBORG